

REMARKS

Claims 1-26 are pending in this application, of which claim 17 is being amended and claims 21-26 are being added to further define aspects of the invention. Claims 1-16, 19, and 20 have previously been withdrawn from consideration.

§ 102(a) Rejection of Claim 17

The Examiner rejected claim 17 under 35 U.S.C. § 102(a) as anticipated by the "Background of the Invention" section of the present application (*"The Background"*). Applicants respectfully traverse this rejection. To properly anticipate Applicants' claims under 35 U.S.C. § 102, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. See M.P.E.P. § 2131. *The Background* fails to disclose each and every element recited in independent claim 17.

For example, *The Background* does not disclose a semiconductor device fabrication method comprising, inter alia, "selectively forming a second insulating film by coating, on the first insulating film in the trench," as recited in amended claim 17. Instead, *The Background* teaches that "an SiO₂ film 1306a is deposited by HDP" (pg. 4, lines 22-23; emphasis added). Deposition by high density plasma (HDP) does not constitute forming a film by coating. Thus, claim 17 is allowable over *The Background* under § 102(a).

§ 103(a) Rejection of Claim 18

The Examiner rejected claim 18 under 35 U.S.C. § 103(a) as unpatentable over *The Background* in view of the Examiner's remarks in the Office Action at pages 3 and 4. Applicants also respectfully traverse this rejection. No *prima facie* case of obviousness has been established.

To establish a *prima facie* case of obviousness under §103(a), each of three requirements must be met. "First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art," to combine references or modify a reference. MPEP § 2143 (8th ed. Rev. Feb. 2003). Second, a reasonable expectation of success must exist that the proposed modification will work for the intended purpose. *Id.* Moreover, both of these requirements must "be found in the prior art, not in applicant's disclosure." *Id.* Third, the reference or references, taken alone or in combination, must disclose or suggest every element recited in the claims. *Id.*

Even assuming that *The Background* constitutes prior art, *The Background* does not teach or suggest each and every element of independent claim 17, from which claim 18 depends. For example, *The Background* fails to teach or suggest a semiconductor device fabrication method comprising, inter alia, "selectively forming a second insulating film by coating, on the first insulating film in the trench," as recited in amended claim 17. As explained above, deposition by high density plasma (HDP), as taught by *The Background*, does not constitute forming a film by coating.

The only other support cited by the Examiner in support of the rejection is the Examiner's conclusory statement that certain elements "would have been obvious." However, such statements cannot constitute support for a rejection under 35 U.S.C. § 103. As noted above, the references themselves must teach each and every element of the claim. Accordingly, no *prima facie* case of obviousness has been established. Applicants respectfully request that the Examiner withdraw the rejection of claim 18 under 35 U.S.C. § 103.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: February 6, 2006

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